

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 26th February 2014 at 10.00 a.m.

Present: R. Rennie (Chair), S. Horne, C. Andrew, Constable D. Jenkins,
R. Shepherd, R. Russell, M. Ankers, A. Kelly, A. Bradford, R. MacLellan,
B. Kidd and M. McFadyean.

Apologies: P. McCarroll, Sergeant D. McIntosh, P. Mason, P. Singh, S. Sandor and
M. McGough.

Attending for South
Ayrshire Council: J. McClure, Committee Services Officer.

Also Attending: H. Ankers and E. Moore.

1. Chair's Remarks.

The Chair welcomed all members to the Forum.

2. Membership.

The Chair advised that, as outlined in the Forum's constitution, should a member fail to attend three consecutive meetings, they would be voted off the Forum and replaced with a new member and that, as the two young person representatives had not attended the previous two meetings and were not present at this meeting, they were now no longer Forum members.

C. Andrew further advised that the Youth Forum was keen to be represented on the Forum, however, it was difficult for young people to attend consecutive meetings, therefore, it was proposed that the two young person representatives not be named individuals and, therefore, the Youth Forum could send two available representatives to each meeting, however, she would require to seek legal advice on this matter as it may require the constitution being amended.

Decided: that C. Andrew seek legal advice on the young person representatives not being named individuals and on whether the constitution would require to be amended to reflect this.

3. Minutes of previous meeting.

The Minutes (issued) of the Local Licensing Forum meeting of 13th November 2013 were submitted.

Reference was made to Page 3, paragraph 7 of the minutes entitled "Draft Statement of Licensing Policy" and a discussion took place on the hours offered to premises during the festive period and the Forum's comments on this which had been submitted to the Board and whether the minute accurately reflected the agreement reached by the Forum.

Decided: by a majority, to approve the Minutes as a correct record.

4. **Matters Arising from Minutes of previous meeting.**

Letter to Licensing Board Outlining Forum's Comments on Draft Statement of Licensing Policy.

The Chair advised that the letter issued to the Licensing Board may not have reflected the views of all Forum members, however, this was the agreement reached following a vote.

Decided: to note that the letter submitted to the Board had outlined the views of the majority of the Forum members.

5. **Minutes of previous Licensing Board meetings.**

The Minutes (issued) of the meetings of South Ayrshire Licensing Board which had taken place since the previous Forum meeting were submitted.

Decided: to note the Minutes of the Licensing Board meetings of 31st October 2013, 28th November 2013 and 16th January 2014.

6. **Matters Arising from Minutes of the Licensing Board Meetings.**

(1) **Late Opening Hours.**

The Chair advised that, at the Board meeting of 31st October 2013, a premises had been granted an additional hour's opening until 1.30 a.m. and were now serving alcohol from 11.00 a.m. instead of 10.00 a.m., thus utilising the maximum of 14½ hours trading per day.

A discussion then ensued on applications for variation; patterns emerging of more premises requesting later opening hours; whether applications for variation were ever refused by the Board; the additional conditions attached to the licence when operating hours were after 1.00 a.m., i.e. a personal licence holder must be on the premises, a written policy regarding the evacuation procedures must be provided, a written policy on preventing the misuse of drugs must be provided, CCTV must be in operation, a person must be responsible for people using the toilets and stewards must be in operation; the earliest opening hour being 10.00 a.m.; and the rigidity of the 10.00 a.m. to 10.00 p.m. opening hours for off-sales premises.

(2) **Granting of Premises Licences.**

The Chair outlined that, at the Board meeting of 31st October 2013, two new premises licences had been granted, one off-sales and one on-sales and that the off-sales application had been objected to by the NHS and R. Shepherd then advised that, as the NHS was concerned with consumption and availability, she was objecting to the off-sales application from a public health perspective and that, as prices were higher in on-sales premises and there were controls in place, she was not as concerned with the granting of the on-sales licence, however, it would also depend on the locality of the off-sales premises whether the NHS would object or not.

(3) Attendance of Forum Members at Meetings of the Licensing Board.

It was noted that R. MacLellan had recently attended a Board meeting which gave an understanding of the workings of the Board and was helpful for reporting back to the Forum and R. MacLellan outlined that he had found it interesting to witness the process of the applicant's solicitor speaking on their behalf, the objectors speaking and the Board's deliberations of the application. C. Andrew then encouraged all Forum members to attend a meeting of the Board for their interest.

(4) New Premises Licences/Variations.

A discussion took place on the number of new licences granted since the introduction of the new Act, the number of variations applied for and the recent granting of a variation to a licence to allow a restaurant to deliver alcohol along with takeaway meals and Forum members outlined their concerns about the granting of this variation and that it should be closely monitored.

(5) Withdrawal of Undertaking.

The Chair advised of on an off-sales premises which had been granted a licence in May 2011 on an undertaking that certain products would not be sold but had now withdrawn this undertaking at the Board meeting on 31st October 2013 and the Forum members discussed their concerns regarding this withdrawal of the undertaking and the apparent demand for such products which also concerned the Forum members.

(6) Granting of Extended Hours to 2.30 a.m.

The Chair referred to the various applications for extended hours to 2.30 a.m. over the festive period, which had been considered at the Board meeting of 28th November 2013 and C. Andrew advised that the Board had only granted those applications for Christmas Eve and Hogmanay as the Board had felt that the other dates were of no significance to the festive period.

Constable Jenkins then advised of the problems experienced by Police Scotland with premises having additional hours to trade over the festive period and there being no duty to trade.

(7) Reviews of Premises Licences.

The Chair referred to the two reviews of premises licences which had been considered at the Board meeting of 28th November 2013 and that both of these reviews had been regarding staff drinking on licensed premises after the premises had closed and that both of these premises had been issued with a written warning and a discussion then took place on the monitoring of premises; the punishments available to the Board to give to premises, ie written warning or the variation, suspension or revocation of the licence; and whether the written warning was given to the premises or the premises manager.

(8) Non-Payment of Annual Fees.

The Chair referred to the premises licences which had been suspended due to non-payment of annual fees and enquired if all of these fees had now been paid and C. Andrew advised that some licences had been suspended as the premises had failed to pay the annual fee due on 1st October of each year, which was a mandatory condition of the licence; that some of these premises were now closed which explained why they had not paid the fee; and that if new owners took over the premises they would require to pay the arrears.

(9) Festive Period.

The Chair advised that it had been reported to the Board meeting of 16th January 2014 that crime figures were down over the festive period, however, the number of patrons in licensed premises had been lower than previous years.

(10) Alcohol Display Areas in Off-Sales Premises.

A discussion took place on alcohol display areas in off-sales premises and C. Andrew advised that, on making an application for a new off-sales premises, applicants required to submit the size of the alcohol display area in their premises and where the alcohol would be displayed and a discussion then followed on the range of products sold in supermarkets; smaller stores selling their most popular products; the alcohol capacity of certain premises being disproportionate to the size of the shop; and the chilled cabinets in shops aiding spot purchases.

(11) Granting of Occasional Licences to 3.30 a.m.

The Chair referred to the recent granting of a an occasional licence until 3.30 a.m. and C. Andrew advised that an application for a three day wedding party had been granted at the Board meeting of 16th January 2014 when two of these days had been for hours until 3.30 a.m. and that, although 3.30 a.m. was outwith the Board's guidelines, the premises were remote so neighbour disturbances were not an issue and her concerns regarding the children attending the wedding party had been addressed.

7. Information Requested at Previous Meeting.

Following a request at the previous Forum meeting, C. Andrew submitted a report (tabled) of 24th February 2014 advising

- (1) that prior to the introduction of the Licensing (Scotland) Act 2005 and before the previous 'licences' ran out, there were a total of 454 premises in South Ayrshire and that, of these premises, a significant number had decided not to apply under the new system due to the considerable costs and requirements with an example of the type of premises that chose not to apply were small rural post offices, guest house type hotels and restaurants;
- (2) that there were currently 424 licensed premises in South Ayrshire including off-sales, a variety of on-sales including hotels and restaurants and specialist premises such as delis and also included in this figure were registered clubs (members clubs) which were not previously dealt with by the local authority but by Police Scotland;

- (3) that some of the premises were licensed but were presently closed which might be due to them being for sale or lease or because the owner wished to retain the licence in anticipation of a future change to the market or area; and
- (4) that, whilst the figures suggested that there had been a drop in the number of licensed premises over the past few years, it was not possible to accurately determine this from the information available as it was not a 'like for like' comparison.

Decided: to note the information provided by C. Andrew.

8. Chief Constable's Report.

There was submitted a report (issued) from the Chief Constable, Police Scotland for the year April 2012 to March 2013 advising that the Licensing (Scotland) Act 2005 provided that the Chief Constable should present a report to the Forum at the end of each financial year that set out the following information:-

- (1) his views about matters relating to Policing in South Ayrshire Licensing Board's area during that year and the following year, in connection with the operation of the Licensing (Scotland) Act 2005; and
- (2) any steps which had been taken during the year, or intended to be taken in the following year, to prevent the sale or supply of alcohol to children or young people in the Board's area.

Decided: to note the report from the Chief Constable.

9. Statement of Licensing Policy.

There was submitted a report and the Statement of Licensing Policy (issued) which had been considered and approved at the meeting of the Licensing Board of 12th February 2014.

C. Andrew advised that the Board was obliged to review its Policy every three years and that, following consultation, the revised Policy had now been approved, however, there were no significant changes to this Policy since the Forum had reviewed the draft Policy.

The Chair outlined that she had received a response from the Depute Clerk to the Board regarding the Forum's comments on the draft Statement of Licensing Policy and advising that the Board had requested information from the Licensing Standards Officers regarding the number of premises in South Ayrshire utilising extended hours over the festive period to enable the Board to respond to the Forum's questions.

Decided: to note the Statement of Licensing Policy and that further information would be supplied by the Depute Clerk to the Board in response to the Forum's questions.

10. Licensing Board Dates 2013/14.

There was submitted a report (issued) outlining the dates of the Licensing Board meetings for 2014.

Decided: to note the dates of the future Licensing Board meetings.

11. A.O.C.B.

C. Andrew outlined

- (1) that she had been approached by Forum members regarding the length of the Forum meetings and, whilst she appreciated that members were busy, the Forum required to hold a minimum of four meetings per year and it was anticipated that these meetings would take around two hours to conclude as the purpose of these meetings was to give feedback to the Licensing Board;
- (2) that the joint meeting with the Licensing Board may take longer to conclude as the Chair and Vice-Chair required to be elected for the ensuing year prior to meeting with the Board; and
- (3) that any Forum member interested in being nominated as Chair or Vice-Chair should contact her.

12. Date of Next Meeting.

Decided: to note that the next meeting of the Local Licensing Forum would take place on Wednesday 21st May 2014 at 10.00 a.m. followed by a joint meeting with the Licensing Board at 11.00 a.m. in the County Buildings, Wellington Square, Ayr.

13. Closing Remarks.

The Chair thanked the members of the Forum for their attendance and contribution.

The meeting ended at 11.50 a.m.